



Entered on Docket
March 03, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SIXTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
ROAM DEVELOPMENT GROUP,
LP LOAN**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Roam Development Group, LP Loan (the "Objection") [DE 6712]. Adequate notice of the Objection was given. The Court heard the Objection on February 20, 2009. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- The Proofs of Claim listed on Exhibit A attached are allowed to the extent Exhibit A shows there was "unremitted principal" arising out of the Roam Development Group, LP Loan that was owed to the claimant.
- The Proofs of Claim listed on Exhibit A attached are disallowed to the extent they were based upon an investment in the Roam Development Group, LP Loan that was repaid to the claimant.
- The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Roam Development Group, LP Loan;
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**ROAM DEVELOPMENT LOAN
SIXTH OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Roam Development Loan	Unremitted Principal	Approximate Amount Subject to Objection
10725-01936	Halseth Family Trust Totally Restated 4/21/00	Daniel R. and Sandra K. Halseth Ttees 23 Molas Dr. Durango, CO 81301	Proof of claim unclear	Proof of claim unclear	\$1,262.72	Total amount related to Roam Development Loan
10725-01966	Skip and Mary Harouff Trust Dtd 12/5/95	Mary Ann and Dwight W. Harouff Ttees 5680 Ruffian Rd Las Vegas, NV 89149	\$626,556.78	\$100,000.00	\$631.36	\$99,368.64
10725-02049	Kay J. Hart	455 Magnolia Ave Fairhope, AL 36532	\$606,211.16	\$100,000.00	\$631.36	\$99,368.64
10725-00063	Michael and Carol Hedlund	Albright Stoddard Warnick & Albright 801 S. Rancho Dr, #D-4 Las Vegas, NV 89106	\$262,241.81	\$100,000.00	\$1,262.72	\$98,737.28
10725-01863	Hubbard Trust Dtd 7/29/98	6340 N. Calle Tregua Serena Tucson, AZ 85750	\$162,500.00	\$12,500.00	\$631.36	\$11,868.64
10725-01870	Jamie Kefalas Trust	c/o Francis Howard Trustee 7 Commerce Center Dr., Ste. A Henderson, NV 89014	\$125,000.00	\$50,000.00	\$631.36	\$49,368.64
10725-01657	Kevin Kehl	Janet L. Chubb, Esq. Jones Vargas P.O. Box 281 Reno, NV 89504-0281	\$938,667.05	\$150,000.00	\$1,894.08	\$148,105.92
10725-02288	Kerner Revocable Trust Dtd 3/16/81	Melvin W. Kerner Ttee 15758 Sunset Dr Poway, CA 92064	\$101,493.04	\$100,000.00	\$631.36	\$99,368.64
10725-02054	Lindsey H. Kesler Fam Revocable Tr. Dtd 10/15/80	Mildred Kesler Ttee 4847 Damon Cir Salt Lake City, UT 84117	\$353,992.56	\$100,000.00	\$0	\$100,000.00
10725-01898	Morris Massry	c/o Segel Goldman Mazzotta & Siegel PC 9 Washigton Sq Albany, NV 12205	\$1,802,040.00	\$101,466.67	\$1,262.72	\$100,203.95